

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

V

05-CR-1157(LAK)

RAHEEM DAVIS,

Defendant.
-----X

ORDER

Lewis A. Kaplan, District Judge.

Due to the ongoing COVID-19 pandemic, the Court is not in a position to conduct a typical sentencing proceeding (i.e., a sentencing with the defendant and all other necessary persons present in a public court room) on June 22, 2020. If a valid waiver of defendant's right to be present and his consent to conducting the sentencing by video, or, if video is not reasonably available, telephonic means were timely filed, the Court would be prepared to consider sentencing on June 22, 2020, or shortly thereafter.

Counsel shall either file the necessary consent utilizing the form attached to this order, or request that sentencing be adjourned to the fall when the likelihood of an in-person hearing then possibly being greater.

SO ORDERED.

Dated: June 9, 2020

A handwritten signature in black ink, appearing to read 'Lewis A. Kaplan', is written over a horizontal line.

Hon. Lewis A. Kaplan
United States District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

05-cr-1157 (LAK)

RAHEEM DAVIS,

Defendant.

----- x

**WAIVER OF RIGHT TO BE PRESENT AT SENTENCING PROCEEDING
AND CONSENT TO SENTENCING VIA VIDEO OR TELEPHONE CONFERENCE**

I understand I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I consent also to this proceeding taking place by video or, if video is not reasonably available, telephone conference.

I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

Print Name

Signature of Defense Counsel

Add for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge
Date: